

REMARKS

Claims 27-32 have been canceled without prejudice. Claims 18-26 are currently pending. Reexamination and allowance of the pending claims are respectfully requested.

The Examiner has rejected some of the pending claims based on the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of co-pending application serial number 10/883,498 ("the '498 application"). This appears to be a provisional rejection.

In response, Applicant submits that the '498 application is a CIP of the present application, and believes that a terminal disclaimer is not required for at least the following reasons. First, the '498 application technically enjoys a later expiration date than the present application, so filing a terminal disclaimer in the present application serves no purpose. Second, we would expect the present application to issue first, so the proper way to prevent any inappropriate extensions of the patent term would be to file a terminal disclaimer in the '498 application. Third, and most significantly, Applicant does not know whether he will continue to pursue the claims in the '498 application in their current form (e.g., the '498 application may be abandoned, or the claims may be amended), so it is not fair and reasonable to make the present application "wait" until the status of the claims in the '498 application is resolved. In light of the above, Applicant respectfully requests that this obviousness-type double patenting rejection be withdrawn.

Claims 18, 20-23, 25-26, 30 and 31 stand rejected under 36 USC 102(e) as being anticipated by Pub. No. US2005/0116443 to Egan ("Egan"). In response, Applicant has canceled claims 27-32 without prejudice. Claim 18 is the only independent claim remaining in the present application. Applicant submits that the subject matter of claim 18 was conceived prior to the earliest priority date (December 1, 2003) relied upon by Egan, and is submitting herewith a Rule 131 Affidavit in support thereof. Entry of this Affidavit is respectfully requested. As a result, Applicant submits that Egan is not prior art, and should be removed as prior art against claim 18.

In light of the above reasons, claim 18, and claims 19-26 depending therefrom, are submitted to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if the Examiner has any proposed amendments or informalities that need to be resolved.

Respectfully Submitted,



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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: July 28, 2005

By: 
Raymond Sun